

APR 29 1996



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Robert B. Murray
Nikaido, Marmelstein, Murray & Oram
655 Fifteenth St. N.W. Suite 330
Washington, D.C. 20005-5701

Re: Patent Term Extension
Application for
U.S. Patent No. 4,562,073

Dear Mr. Murray:

A certificate under 35 U.S.C. § 156 is enclosed extending the term of U.S. Patent No. 4,562,073 ('073 patent) for a period of 1,344 days from the original expiration date of the patent, June 6, 2003.¹ It is noted that the expiration date of the patent was set by a terminal disclaimer which stated: "[t]he Assignee . . . hereby disclaims any terminal portion of the patent to be issued from the above-identified application, which terminal portion exceeds the expiration date of any patent issued from commonly-assigned United States patent application serial number 501,560, filed June 6, 1983." Application No. 501,560 issued as U.S. Patent No. 4,529,592 (the '592 patent) on July 16, 1985. The required maintenance fees for the '592 patent have been paid when due, accordingly, the '592 was a patent in force on June 8, 1995, the effective date of the Uruguay Round Agreements Act (URAA). The URAA amended 35 U.S.C. § 154 to change the term of many patents, such as the patents discussed herein, from a term of 17 years to a term of 20 years from the filing date. Accordingly, the expiration date of the '592 patent became June 6, 2003, which is 20 years after the filing date of the '560 application. Since the terminal disclaimer sets the expiration date of the '073 patent to be the same as the '592 patent, the URAA changed the expiration date of the '073 patent to June 6, 2003.

Hiram A. Bernstein
Senior Legal Advisor
Special Program Law Office
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects

(703) 305-9285

cc: Ronald L. Wilson, Director
Health Assessment Policy Staff
Office of Health Affairs (HFY-20)
Food and Drug Administration
5600 Fishers Lane, Room 11-44
Rockville, MD 20857

RE: ZOSYN
FDA Docket No.: 94E-0071

¹See Merck & Co. v. Kessler, 1996 WL 156630. (A patent in force on June 8, 1995 is entitled to have a restoration extension added to the longer term of either the 17 years from issuance or 20 years from filing.)

#22

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE EXTENDING PATENT TERM UNDER 35 U.S.C. § 156

PATENT NO. : 4,562,073
DATED : December 31, 1985
INVENTOR(S) : Ronald G. Micetich et al.
PATENT OWNER : Taiho Pharmaceutical Company

This is to certify that there has been presented to the

COMMISSIONER OF PATENTS AND TRADEMARKS

an application under 35 U.S.C. § 156 for an extension of the patent term. Since it appears that the requirements of the law have been met, this certificate extends the term of the patent for the period of

1,344 DAYS

from the original expiration date of the patent, June 6, 2003, subject to the requirements of 35 U.S.C. § 41, with all rights pertaining thereto as provided by 35 U.S.C. § 156(b).



I have caused the seal of the Patent and Trademark Office to be affixed this 25th day of April 1996.

A handwritten signature in cursive script, reading "Bruce A. Lehman".

Bruce A. Lehman

Assistant Secretary of Commerce and

Commissioner of Patents and Trademarks